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09/836,855	04/16/2001	Eric Rose	TACOBEL.022A	5107

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EXAMINER
KHATTAR, RAJESH

ART UNIT	PAPER NUMBER
3693	

NOTIFICATION DATE	DELIVERY MODE
05/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>May 8, 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

As per conference call dated May 7, 2007, it was agreed that Hayman reference does not teach the limitation of claim 3, in particular, selectively sending the order to different workstation. Therefore, finality as indicated in the Office Action dated March 1, 2007 is not proper and has been withdrawn. However, further search and consideration resulted in new ground of rejection, necessitated by amendment filed on Jan. 25, 2007, and hence finality of the current Office Action is proper.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites the limitation "the drink" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner is interpreting the term "the drink" to be the second portion of the food order.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayman in view of Alpdemir and Mueller, US Patent No. 5,235,509.

Hayman teaches a point-of-sale (POS) register in which food orders are entered

(see for example the paragraph bridging columns 1 and 2). Examiner notes that a cash

register is a point-of-sale.

Hayman further teaches a plurality of order modules (see for example the

paragraph bridging columns 1 and 2).

Hayman further teaches a router connected between said POS register and

order modules for selectively routing said POS register to a particular one of said

modules (see for example the paragraph bridging columns 1 and 2).

Examiner notes that Hayman's "work stations where such food item is to be

prepared" represents Applicant order module. Examiner further notes that as food is

ordered in Hayman and food prepare uses the module to receive this order (via CRT)

and then use CRT to indicate completion of the order (see column 1, line 68 – column 2,

line 11).

Hayman does not teach a text-to-speech synthesizer for converting the POS

entries into audible speech; a speech-to-text circuit for recognizing and converting voice

commands into control signals and whereby a restaurant worker speaks an audible

command into a microphone and receives on headphones audible synthesized voice

reciting an order entered into said POS register without the worker having to view any

visual display.

Alpdemir teaches a speech-to-text conversion engine converting speech-based

input commands and data received from an external device over a communication link

into text-based commands and data; a data base storing a plurality of data items; a

search engine searching the database for a particular data item in response to the text-based command and data; a text-to-speech conversion engine generating a speech-based representation of the particular data item identified in the database search; and a speech server for communicating the speech-based representation of the particular data item to the external device (see paragraph bridging columns 2 and 3).

Alpdemir teaches an exemplary Speech Server which includes a Dialogic Antares board-based automatic speech recognizer (speech-to-text) that translates the voice data into ASCII text (or another code or symbols) that identifies the spoken words and returns a text or other symbolic representation of the results to the application. The application accesses, via for example a T-1 line or faster Internet connection, the database of the Information Center. Real-time (or near-real-time), active vocabularies are generated at run-time using the database's ASCII text or symbols. The application uses the ASCII text from the database, passes it to a second Antares board running a text-to-speech (TTS) algorithm. The TTS algorithm generates the final voice or audio information that is played to the caller (see column 5, lines 29-42).

Examiner notes that speech recognition is known to enable operators to request information and control systems when their hands and eyes are busy (such as in a restaurant environment). In addition, voice input requires much less user training than do systems relying on complex keyboards, switches, push buttons and other similar devices (see US Patent number 4,624,008 to Vensko et al.; column 1, lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the interaction between the food preparers and the CRT order

modules of Hayman (i.e. food prepare uses the module to receive orders (via CRT) and then use CRT to indicate completion of the order (see column 1, line 68 – column 2, line 11)) by incorporating a Speech Server as taught by Alpdemir. Such a modification would allow the food preparers to speak a command, the order module would recognize the command and then present the prepares with the information requested, such as the next order they need to prepare.

One of ordinary skill in the art at the time of the invention would have been motivated to modify the references in order to enable operators to request information and control systems when their hands and eyes are busy as well as to provide a system that would require much less training.

However, neither Hayman nor Alpdemir specifically discloses selectively sending the order to different workstation. However, this limitation is disclosed by Mueller et al. US Patent No. 5,235,509 (col. 11, lines 3-20). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the teachings of Hayman and Alpdemir to incorporate the disclosure of Mueller of selectively routing the order to different workstation. One would have been motivated to do so in order to prepare order in least amount of time by selectively sending a portion of the order to different workstation (in this case, preparation terminal) as taught by Mueller.

Response to Arguments

Applicant's arguments dated Nov. 22, 2006, Jan. 25, 2007 and May 8, 2007 with

respect to claims 1-14 have been considered but are moot in view of the new ground(s)

of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rajesh Khattar whose telephone number is 571-272-

7981. The examiner can normally be reached on Flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK
May 15, 2007

JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600